

Attorney Docket No. 10551/218
Application Ser. No. 09/934,341

REMARKS

Claims 1, 2, and 181-189 are pending in this application. No claims have been amended by this Response to Office Action.

As a preliminary matter, Applicants note that the Office has never indicated that a Preliminary Amendment, Substitute Declaration Transmittal, and Substitute Declaration and Power of Attorney, each of which was filed on November 19, 2001, were entered into the above-identified application. Accordingly, Applicants request acknowledgement of entry of the above-mentioned items in the next official communication from the Office.

As a further preliminary matter, Applicants request a copy of the interview summary for the personal interview conducted on November 26, 2002. Paper No. 8 indicates that it included a copy of the interview summary, however, Applicants' copy does not identify an application number, filing date, etc.

Claims 1, 2, 182, 186, and 188 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,799,260 to Mandell *et al.* (hereinafter "*Mandell*"). Claims 181 and 185 stand rejected under 35 USC § 103(a) as being unpatentable over *Mandell* in view of U.S. Patent No. 5,809,472 to Morrison (hereinafter "*Morrison*"). Claims 183, 184, 187, and 189 stand rejected under 35 USC § 103(a) as being unpatentable over *Mandell* in view of U.S. Patent No. 3,583,803 to Cole (hereinafter "*Cole*"). Applicants respectfully traverse these rejections.

Applicants assert that *Mandell* does not teach or suggest at least a decoder simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly recited in independent claim 2. The Office Action places great emphasis on reference number 400 of *Mandell's* Fig. 9. Applicants point out that reference number 400 of *Mandell's* Fig. 9 is "a block diagram of a split band variable matrix decoder system." *Mandell* col. 15:35-36 (emphasis added).

A variable matrix decoder system can be used in a quadrasonic audio system. See col. 1:59 - col. 2:56. "In quadrasonic the loudspeakers are spaced horizontally around listeners in four locations, to create an impression of the original program in full horizontal surround sound."

Attorney Docket No. 10551/218
Application Ser. No. 09/934,541

Col. 1:20-23. "In order for the recording to be played back through the loudspeakers to recreate realistic impression of the original program, the recording must contain directional information." Col. 1:34-37. In a 4-2-4 variable matrix format, as used by *Mandell*, four audio input channels are matrix encoded into two channels, such as two conventional stereo-recorded channels. Col. 1:39-44; col. 2:52-54. *Mandell* refers to these two encoded channels as *L_T* and *R_T*. Col. 5:18-22 *Mandell* explains that the "two signals *L_T* and *R_T* are two channel signals derived in an encoder (not shown) from four signals in such manner that the two channel signals contain *directional* information related to the directions of the four input signals." *Id.* (emphasis added). *Mandell* never discloses that the four signals used to create *L_T* and *R_T*, or *L_T* and *R_T* themselves, are comprised of a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly in independent claim 2.

Mandell's four signals contain *all sounds*. They are distinguishable in direction only. They are not distinguishable as separate vocal signal information and information other than the vocal signal information of the first signal. Furthermore, *Mandell's* *L_T* and *R_T* signals, which are derived from the aforementioned four signals, consequently also contain *all sounds* and are distinguishable in direction only. The *L_T* and *R_T* signals are not distinguishable as separate vocal signal information and information other than the vocal signal information of the first signal.

The Office Action, as noted by the Response to Arguments section at pages 4-7, fails to appreciate that *Mandell's* split band variable matrix decoder system (Fig. 9, 400), which receives only *L_T* and *R_T* (each containing *all sounds* and each distinguishable in direction only), does not and cannot disclose simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly in independent claim 2. Because *Mandell* fails to disclose simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the

Attorney Docket No. 10551/218
Application Ser. No. 09/934,541

vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly in independent claim 2, the 35 USC § 102(b) rejection of claims 1 and 2 should be withdrawn.

Morrison does not overcome the deficiencies of *Mandell*. *Morrison* relates to selective reduction of the data rates of speech and non-speech audio by respective compression techniques based upon the information content of a signal. *Morrison* fails to disclose a decoder simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly recited in independent claim 2.

Cole does not overcome the deficiencies of *Mandell*. *Cole* relates to motion picture process and films having wide-screen aspect ratio frames. The film frames are substantially the same width as conventional frames transversely of the film and approximately half as high lengthwise of the film. *Cole* fails to disclose a decoder simultaneously receiving a first signal comprising substantially vocal signal information and a second signal comprising substantially information other than the vocal signal information of the first signal, wherein the first signal and the second signal are received separately by the decoder, as recited in independent claim 1 and similarly recited in independent claim 2.

For the reasons set forth above, Applicants submit that independent claims 1 and 2 define patentable subject matter. Claims 181-184 and 185-189 depend from independent claims 1 and 2, respectively, and therefore, also define patentable subject matter. Accordingly, Applicants request that the 35 USC § 102(b) rejection of independent claims 1, 2, 182, 186, and 188, and the 35 USC § 103(a) rejections of claims 181, 183, 184, 185, 187, and 189 be withdrawn.

Applicants assert that all claims are in condition for allowance. Prompt and favorable examination on the merits is earnestly solicited.

Attorney Docket No. 10551/218
Application Ser. No. 09/934,541

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600. The Examiner is invited to telephone the undersigned at 202-220-4393 to discuss any matter regarding this application.

Respectfully submitted,

Date: June 3, 2003


Michael L. Angert
Reg. No. 46,522

Kenyon & Kenyon
1500 K Street, NW, Suite 700
Washington, D.C. 20005-1257
Telephone 202.220.4200
Facsimile 202.220.4201